

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re

Bky. No.: 04-43949
Chapter 11 case

Ricky Anderson and
Jan Anderson

Debtor(s)

**RESTATED OBJECTION TO APPLICATION OF UNSECURED CREDITORS
COMMITTEE TO EMPLOY COUNSEL**

Debtors hereby object to the application of the Unsecured Creditors Committee to employ Joseph A. Wentzell and the firm of Wentzell Law Office, P.L.L.C., as counsel in this case, concurrently with the same law firm's representation of PHI Financial Services, Inc. Debtors take the position that Wentzell may represent either the Committee or PHI, but not both, for the reasons stated in their previous objection, docket no. 44-1 herein, <http://www.mnb.uscourts.gov/imgmpls/4/04/DOCKET/0443949/00000044.pdf>, which is incorporated herein by reference. The objection also is based upon the litigation recently removed to this Court, PHI Financial Services, Inc. v. Anderson, Adv. No. 04-4293, removed and filed October 13, 2004.

Dated: October 26, 2004.

/s/ Kurt M. Anderson
Kurt M. Anderson # 2148
Attorney for Debtors
P.O. Box 2434
Minneapolis, Minnesota 55402-0434
(612) 333-3185

Declaration of Service via Facsimile

Kurt M. Anderson respectfully declares to that on October 26, 2004, he served the following items:

RESTATED OBJECTION TO APPLICATION OF UNSECURED CREDITORS COMMITTEE
TO EMPLOY COUNSEL
Proposed Order
This proof of service

Via facsimile on the following individuals or entities:

United States Trustee ATTN Michael Fadlovich	612-664-5516
Joseph Wentzell	612-788-9879

Unsecured Creditors Committee:

Debra Delaria	515-248-4905
Ron Gatzlaff	507-796-5211
Anne Hedberg	507-528-2210

VERIFICATION

I hereby declare under penalty of perjury that I have read the foregoing declaration; and that the facts stated therein are true and correct.

Executed on: October 26, 2004 /e/ Kurt M. Anderson

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**ORDER CONDITIONALLY DENYING APPLICATION OF UNSECURED
CREDITORS COMMITTEE TO EMPLOY COUNSEL**

The unsecured creditors committee applied to employ Joseph A. Wentzell and the firm of Wentzell Law Office, P.L.L.C. as its counsel. Debtors objected on the basis that Wentzell was already representing a major unsecured creditor, PHI Financial Services, Inc. Therefore, the matter came before the Court for hearing on November 3, 2004. The Court finds that representation of both PHI and the Committee would constitute an impermissible conflict of interest, and therefore the Court will deny the application unless Wentzell withdraws his notice of appearance previously filed on behalf of PHI. If Wentzell agrees to discontinue representation of PHI and withdraws the notice of appearance within five business days of entry of this order, he may submit a proposed order approving his employment by the committee; otherwise, the application is denied.

So ordered this ____ day of _____, 200__.

Hon. Robert J. Kressel
United States Bankruptcy Judge